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MISMANAGEMENT OF DIGITAL DEAD BODY: EXPLORATION OF LEGAL ISSUES TO ADDRESS ECONOMIC EXPLOITATION AND HUMAN RIGHTS VIOLATION

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I. ABSTRACT

Recent controversies concerning the digital remnants of the deceased and the ongoing debate for symbolic immortality that modern technology pose has already stimulated substantial concern for human rights researchers around the world. The political economy of people's digital remnants and the human rights challenges arisen from this issue has given sociologists, anthropologists and psychologists fascinating chances to research more about changing attitudes towards death and dignified management of people's digital dead bodies. The author has attempted to focus that people now expand, extend and eventually transform their lives on the internet and other web-based platforms. It has also been pointed out that people's information is now re-created and linked in different manners after their deaths and they are utilised for commercial purposes. This research has questioned and compared the traditional concept of death with the emerging concept of digital death. Based on the existing research and available literature, the analysis has also been connected with the current legal framework that ensures dignified dead body management in wars and disasters according to the human rights law and international humanitarian law. The administration of digital identity after death, with thousands of ghost-accounts emerging each day, is becoming a significant problem for the global technology industry and a potential opportunity for technology-oriented criminals. This paper has been written with an attempt to objectively conceptualise the dignified management of the digital dead body and the current contradictions. It also focuses on human rights and points out the immediate necessity of introducing new laws on

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this issue. The significant areas of digital dead body management have also been covered where regulatory tensions might emerge in the light of digitalisation.

II. KEYWORDS

Digital Death, Digital Afterlife, Economic Exploitation, Human Rights

III. INTRODUCTION

The management of the deceased's digital properties is rapidly becoming a complicated legal problem, particularly for populations with regular internet users. Digital death is a new concept in modern jurisprudence but is getting more complicated and challenging with time. The first challenge is that digital properties are different from other properties that people deal with after a person's death. Digital properties are stored in online platforms including websites, email, social networking accounts and associated activities, blogs, music accounts and cloud storages.[2] In the case of maintaining and retrieving these types of digital properties, it is sometimes impossible to apply the conventional property and heritage rules, legislations and social standards.[3] Also, the current legal framework has failed to accommodate these challenges. It requires prevention of the misuse of the deceased's digital remnants and penalisation of such activity. Particularly, in developing countries like Bangladesh, India and Pakistan, current regulations on ICT, Copyright or Succession of digital properties have been struggling to deal with the problems of managing digital dead bodies as there is no minimum accommodation of this new challenge of human rights in their legal provisions.[4]

In many developed countries accessing the username, account records, and other related digital information and properties of the deceased is punishable for anyone including the deceased user's friends or relatives. For example, according to the Computer Fraud and Abuse Act of 1984 or the CFAA in the United States, such access

[2] Olga Goriunova, *The Digital Subject: People as Data as Persons*, 36 THEORY, CULTURE & SOCIETY 125–145 (2019).
[3] John Connor, *Digital Life after Death: The Issue of Planning for a Person's Digital Assets after Death*, SSRN ELECTRONIC JOURNAL (2010).
[4] Leon Trakman, Robert Walters & Bruno Zeller, *Digital consent and data protection law – Europe and Asia-Pacific experience*, 29 INFORMATION & COMMUNICATIONS TECHNOLOGY LAW (2020).

is considered an unlicensed and criminal offence. Related acts of 'unauthorised access' were also criminalised in Australia, South Africa and many European countries.[5] This research will discuss relevant laws in other countries concerning the issue of managing dead people's digital properties in online platforms to highlight the necessity of establishing a strong and effective framework for minimising economic exploitation and human rights violation.

Legal Sociologist Kristin Bergtora Sandvik first coined the term 'Digital Dead Body' in one of her articles among the contemporary scholars who have been emphasising on the exploitation of people's digital remnants after their death.[6] People will continue to die unless there is a miraculous solution from the medical researchers that will prevent death. But it is also undeniable that people cannot use the internet without providing their personal information and digital content to the technological industry. As a result, there is no scope to stop the creation of digital dead bodies. There are certainly some ways to stop the commercialisation of people's digital dead remnants and prevent the industry to exploit the dignity of people by making them profitable and consumable after death.

Digital dead bodies are another version of people that remains alive after death. Nobody wants to become a commercial product after his death. So, the objective of this research is to highlight and analyse the challenges of properly managing the digital dead body as it is becoming more necessary and relevant in the context of the rapid development of the internet and technology industry. In an attempt to fulfull these objectives, this research will explore three fundamental issues. Firstly, it will look into whether there is any necessity to conceptualise the digital dead body and create a legal framework to establish dignified management of deceased people's remnants. Secondly, it will further explore fow the modern technology companies may economically exploit dead people's personal information to make their profit. Thirdly, it will discuss how mismanagement of digital dead bodies will consequently

[5] Corina Sas et al., *Futures of digital death: Past, present and charting emerging research agenda*, 43 DEATH STUDIES 407–413 (2019).
[6] Kristin Bergtora Sandvik, *Digital Dead Body Management (DDBM): Time To Think It Through'*, JOURNAL OF HUMAN RIGHTS PRACTICE (2020).

lead to a new challenge in the existing concept of human rights. It will also question the existing legal frameworks in international law to explore if they are adequate to address these challenges.

A. STATEMENT OF PROBLEMS

We are living in an era of digitalisation. Everything has been digitalised along with our natural existence. We are no longer in a situation to think about the dignified management of our physical dead body only, rather it is high time to think about the appropriate management of our digital dead body too. For example, people had been amazed in February 2013, while watching the famous episode 'Be Right Back' of the Netflix series 'Black Mirror' where dead people's remnants were used to revitalise them and bring back a digital yet realistic version of that person.[7] Interestingly, the whole concept of this science fiction has been successfully patented in January 2021, by the tech-giant company, Microsoft Corporation. They have very optimistically expressed their plan to bring back 2D or 3D models of deceased people using their digital remnants.[8] Meta (Facebook) has also patented in January 4, 2022 to improve their Metaverse user experience. This implies that the technology being created by Meta is geared toward making users more invested in the Metaverse by giving them more control over how it looks and functions. Meta hopes this will improve how its users engage with the online world.

This patent also covers a 'avatar personalisation engine' that can transform a single image of a dead or alive person into an accurate representation of their 3D avatar.[9] Even though the abovementioned company will take some time to launch and commercialise this service, already different companies are collecting the digital accounts on different websites, photographs, videos, audio clips and personal information. They are making them profitable and commercialising those digital

[7] Megan Logan, *Revisiting the Best "Black Mirror" Episode: "Be Right Back,"* INVERSE (2016), https://www.inverse.com/article/22535-black-mirror-be-right-back-best-episode-netflix (last visited Dec 2, 2019).
[8] Matt Swayne, *Microsoft Leads List of Top Metaverse Patent Holders*, THE METAVERSE INSIDER (2022), https://metaverseinsider.tech/2022/07/25/microsoft-leads-list-of-top-metaverse-patent-holders/ (last visited Sep 3, 2022).
[9] Nathaniel Whittemore, *What Facebook's Patents Tell Us About the Fight for the Soul of the Metaverse*, WWW.COINDESK.COM (2022), https://www.coindesk.com/podcasts/the-breakdown-with-nlw/what-facebooks-patents-tell-us-about-the-fight-for-the-soul-of-the-metaverse/ (last visited Sep 3, 2022).

remnants without the consent of the deceased person or his/her relatives. This issue clearly shows that our mortal life may come to an end after a certain period, but our digital remnants will stay alive in the digital world forever.[10] If those remnants are not properly taken care of and if there is no legislative outline and sustainable regulation to stop the misuse of one's digital remnants after his death, then humankind is certainly going to face a new challenge of economic exploitation and violation of human rights with the emerging trend of commercialising dead people's identity, memory, digital data and personal information.

B. RESEARCH QUESTIONS

a. Does the increasing prevalence of digital dead bodies necessitate the conceptualization of a legal framework to manage and protect the dignity of deceased individuals' digital remnants?
b. Is there any need to investigate the potential commercialization and profit-driven motives in handling digital dead bodies as technology companies may exploit the personal information of deceased individuals for economic gain?
c. Is there any need to assess the adequacy of current international legal frameworks in addressing the challenges posed by the digital dead bodies' phenomenon, including gaps in regulations that may contribute to potential exploitation and mismanagement?

C. RESEARCH METHODOLOGY

With an interpretative approach and hermeneutic methodology, the researcher will carry on this research dealing with the economic analysis of the commercialisation of deceased people's information, corporate interference in the conceptualisation of digital dead body, the liability of the policymakers in identifying the legal hollow regarding the dead people's dignity, criminalisation of violating human rights using the previous legal framework upholding the deceased people's dignity, and possible solutions to overcome this emerging challenge of human rights.[11] Based on an analysis

[10] Maggi Savin-Baden & David Burden, *Digital Immortality and Virtual Humans*, 1 POSTDIGITAL SCIENCE AND EDUCATION 87–103 (2018).
[11] MARK VAN HOECKE, METHODOLOGIES OF LEGAL RESEARCH : WHICH KIND OF METHOD FOR WHAT KIND OF DISCIPLINE? (2013).

of both the legal framework and the economic situation, the researcher will use doctrinal legal research methodology to explain under what circumstances it is justified to use the private data of deceased people by commercial organisations without the explicit consent of them and their closest relatives.

This doctrinal research will explore the International Covenant on Economic, Social and Cultural Rights, International Covenant on Civil and Political Rights, ICRC regulations, Customary rules of IHL and other relevant legal documents of international and national law around the world concerning this issue. The research will also attempt to interpret the probable answer to the legal question that has arisen regarding the dignified management of digital dead bodies by looking into the existing literature, finding gaps in the previous research and making inquiries into the emerging trends of technological development to find out the best possible answer to the research questions mentioned above.

D. SIGNIFICANCE OF THE RESEARCH

Digital death has been a venue for intense market prospects and activity for the technology industry over the past decade. Efforts to commercialise the information of dead people structured on making the digital footprints of deceased consumable by other users and profitable for the companies allowing continued traffic around digital avatars and using the data they record through data processing and reassembly. In response to consumer needs generated by social media and other internet platforms, a digital afterlife industry has been developed.[12] Many scholars have been criticising the ethical, social and cultural implications of commercialising digital dead bodies and predicting the future consequences. They have argued that the administration of the digital afterlife is an emergency that needs to be considered, as this soon is becoming an issue of global injustice. Digital properties of dead people are entirely intentionally targeted at people by making them profitable and consumable resources which is unethical. Legal anthropologists, sociologists and cyberlaw researchers have been

[12] CHRISTOPHER M MOREMAN, DIGITAL DEATH : MORTALITY AND BEYOND IN THE ONLINE AGE (2014).

arguing that a strong legal framework, effective penalisation and strict monitoring are required to deal with this challenge.[13]

Human rights practitioners must consider what ethical criteria and values can govern the use of data from dead people, and even the appropriation of data in various industries. Currently, there is a lack of broad awareness of digital dead bodies and a lack of regard for integrity as important for digital bodies and a fundamental legal framework for the management of digital dead bodies. Scholars need to establish more empirical analysis that details the ability and structure of current data platforms, how they are passed on and how various business organisations make a profit with the dead users and their digital footprints.[14] Both human rights dimension and economic factors have to be included simultaneously in these researches while establishing a global framework to cope with this emerging challenge. This research will attempt to conceptualise these gaps of the legal framework and analyse the challenges concerning human rights violations to suggest sustainable as well as effective means of preserving the dignity of dead people by overcoming economic exploitations.

IV. THE CONCEPTUALISATION OF DIGITAL DEATH AS AN EMERGING CHALLENGE

The prospect of dying is probably the thing that bothers people the most throughout their lives.[15] Since the beginning of time, humans have established rituals and developed the phenomenon of farewell in an effort to delay and come to grips with this fear and their demise. Research into societal shifts in memorials and remembrances of the dead dates back to the early 1990s and has been conducted by academics from a wide range of disciplines. In the pre-Internet era, bulletin boards and printed obituary notices were extremely common, and mourners gathered at the casket to console the recently bereaved. When online memorialization of the dead first emerged, it served primarily as a means of connecting with a community of people

[13] Namaan Zhou, *Who will deal with your online presence when you die? How to create a "digital will,"* THE GUARDIAN (2021), https://www.theguardian.com/media/2021/apr/11/who-will-deal-with-your-online-presence-when-you-die-how-to-create-a-digital-will (last visited Sep 3, 2022).
[14] ANNA HAVERINEN, DIGITAL DEATH ONLINE MOURNING RITUALS AND PRACTICES (2017).
[15] Erin Goff, *Death in the Digital World*, 7 DIGITAL LITERATURE REVIEW (2020).

who shared similar experiences or of honouring the departed on significant dates like birthdays and anniversaries.[16] Modern alternatives associated to death, mourning, and commemorating made possible by various digital media platforms have profoundly changed how society views death and immortality of digital data left in online platforms. Although death and immortality remain cultural aspects and taboos in the collective consciousness of societies, major changes have been witnessed in both occurrences and practises due to the advent of digital technology.

Online technologies allow large numbers of data and personal information including digital and intellectual content to stay alive in the online platforms, creating a new digital after-life for their producers.[17] While the nature of such a presence has already been investigated by legal researchers, discussed in the academic literature and accommodated to some extent to the legislative regulations, the policymakers have not yet recognised the consequences of commercial interests in managing these digital dead bodies and the potential threats of misuse and exploitations of the digital graveyards. The existence of digital dead bodies in cyberspace is becoming more and more alarming day by day. For example, it has been estimated in recent years that the number of 'dead profiles' has been increasing by 19,000 daily on Facebook.[18]

At some point by the end of the century, the death profiles will even exceed the number of dead User Profiles depending upon Facebook's growth rate, thus establishing a form of the digital graveyard in this commonly used social media platform.[19] These alarming statistics offers many commercial enterprises new opportunities to monitor people's digital afterlife in an unregulated way. However, it also presents some serious challenges in the dimension of protecting human rights and dignity after death. Interestingly, commercial companies were one of the first to recognise that the increasing numbers of dead internet users are becoming a challenge

[16] Prashant Mali & Aswathy Prakash G, *Death in The Era of Perpetual Digital Afterlife: Digital Assets, Posthumous Legacy, Ownership and its Legal Implications*, PAPERS.SSRN.COM (2019), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3922579 (last visited Sep 3, 2022).
[17] Nikolaus Lehner, *The work of the digital undead: digital capitalism and the suspension of communicative death*, 33 CONTINUUM 475–488 (2019).
[18] Sam Westreich, *How Many Dead People Are on Facebook?*, MEDIUM (2020), https://medium.com/swlh/how-many-dead-people-are-on-facebook-aa296fea4676.
[19] Olga V. Krasnoyarova, *The Dead Are Not Silent, Or Death on Facebook*, OBSERVATORY OF CULTURE 125–129 (2015).

for them.[20] At first, these companies seemed to have a problem dealing with dead users but soon a series of innovative services were developed.[21] In 2009, for instance, Facebook began allowing bereaved families to turn their lost profiles into memorials, meeting places, mourning, and collectively to 'display gratitude' to the dead people.[22] Similarly, Google has launched a manager of the inactive account that informs the network of the users automatically about someone's death.[23]

In addition to technological giants like Facebook and Google, the 'business' of death online is being exploited by a wide range of start-up companies. Regardless of their niche and size, these companies represent the start of increased after-life marketing. However, memorialising and commercialisation of a deceased's digital remnants have a fine difference which is entirely established on the purpose of utilisation, type of economic advantage and consent. At this moment, it might be difficult to understand how this commercialisation of the digital entity of a deceased person is going to pose threats for the dignified existence of their remnants, but undoubtedly, it is giving birth to an emerging challenge for human rights defenders around the world.[24] An universal recognition of digital death and digital dead body is required right now to mitigate these challenges. Also, a statutory definition of this modern concept of death is required to be adjusted in national laws around the world to effectively address this challenge in every legal system.

V. LEGAL FRAMEWORK OF DIFFERENT COUNTRIES CONCERNING MANAGEMENT OF DIGITAL PROPERTIES AFTER DEATH

Although most of the legal systems in the world have not yet developed any framework to accommodate the obligations concerning the digital properties of

[20] Erin Goff, *Death in the Digital World*, 7 DIGITAL LITERATURE REVIEW (2020).
[21] Aviva Rutkin, *Death in the digital age*, 225 NEW SCIENTIST 27 (2015).
[22] Patrick Stokes, *Ghosts in the Machine: Do the Dead Live on in Facebook?*, 25 PHILOSOPHY & TECHNOLOGY 363–379 (2011).
[23] John Connor, *Digital Life after Death: The Issue of Planning for a Person's Digital Assets after Death*, SSRN ELECTRONIC JOURNAL (2010).
[24] Margaret Gibson, *Digital Objects of the Dead: Negotiating electronic remains*, WWW.ACADEMIA.EDU (2014), https://www.academia.edu/12131304/Digital_Objects_of_the_Dead_Negotiating_electronic_remains (last visited Sep 3, 2022).

deceased people, laws protecting individuals' personal information and preventing unauthorised access to computer systems apply to their digital assets too in many countries. Also, access to dead people's digital remnants is often restricted or prohibited by third parties by virtue of the terms of service agreements for online services and social media platforms. Both of these privacy frameworks and legal protections are still in development as they relate to the digital assets of the deceased. For example, in Bangladesh, if a person acquires, sells, obtains possession of, distributes, or makes use of another person's identifying information without their consent, they may face up to five years in jail and a fine of up to BDT 500,000, or both, according to the Digital Security Act 2018.[25] But it does not expressly concern the dead people's information and it does not include every type of digital data that people leave on various online platforms.

In the United Kingdom, information about a specific or identifiable living human is considered personal data under the Data Protection Act of 2018.[26] Therefore, the Act does not protect decedents' personal information, which is subject to the website's terms of service. The deceased's personal information stored by public agencies is, however, available upon request based on the limited scope created by the Freedom of Information Act (FOIA), which was adopted in 2000.[27] In Canada, the Canadian Uniform Law Commission suggested the Uniform Access to Digital Assets by Fiduciaries Act in 2016 but it has not been enacted into law yet. Therefore, it is the responsibility of each individual to make provisions for the management of their digital assets in the event of their death or incapacity.[28]

The proposed law regulates the rights of fiduciaries to manage digital information of the deceased or incapacitated, and it is modelled following the Revised Uniform Fiduciary Access to Digital Assets Act (RUFADAA) in the United States. Currently, only in the Alberta region, Personal Information Protection Act (PIPA) guarantees fiduciary access to and control over digital assets upon a person's death. The European

[25] Digital Security Act 2018 (BD)
[26] Data Protection Act 2018 (UK)
[27] Freedom of Information Act 2000 (UK)
[28] Uniform Access to Digital Assets by Fiduciaries Act 2016 (CA)

Union also does not have any uniform framework to address this issue. Since the EU's General Data Protection Regulation 2016 does not cover data from the deceased, member states must create their own legal frameworks to do so.

Some European Union (EU) member states have updated their privacy protection rules to specify that records of the deceased must be destroyed after a specified time, but others have not.[29] Similarly, there is no all-encompassing privacy regulation in the UAE. However, unless expressly permitted by law or with the individual's agreement, it is illegal to invade someone's privacy in the United Arab Emirates per Article 378 of the Penal Code. In China, there has been a gradual development on this issue in the last few years. Inheriting digital properties is legal under China's new civil code, which went into effect in October 2017, and the General Rules of the Chinese Civil Law. One's Ali-Pay balance, We-Chat funds, or a value in an online gaming account are all examples of virtual assets that might be included in a will. When China finally enacted its first civil code in May of 2020, the country also updated its inheritance law for the first time.

The new law makes it possible for people to pass on their digital assets, such as crypto currencies and virtual game goods, to future generations.[30] In South Korea, The Korean Personal Information Protection Act has been amended to no longer cover decedents' data after March 2020.[31] Also in Japan, there is presently no law in effect in Japan that addresses digital legacies. Data pertaining to a person who has passed away is exempt from the scope of the statute protecting personal information. As a result, the terms of service agreement of a platform govern the treatment of digital assets like online profiles and loyalty points. Due to the inability of digital wills to provide proof of creation by the testator prior to death, they have not been recognised in the country as of March 2020.

[29] General Data Protection Regulation 2016 (EU)
[30] United Nations Conference on Trade and Development, *Data Protection and Privacy Legislation Worldwide | UNCTAD*, UNCTAD.ORG (2021), https://unctad.org/page/data-protection-and-privacy-legislation-worldwide.
[31] Korean Personal Information Protection Act 2022 (ROK)

Only a handwritten will can be considered a valid directive for the distribution of a deceased person's property.[32] In May 2020, Thailand enforced its new Personal Data Protection Act. However, the Act expressly excludes personal information pertaining to those who have passed away.[33] Similarly in India, the Personal Data Protection (PDP) Bill 2019 has been approved, although it does not explicitly specify that data belonging to those who have died away is protected by the law.[34] Brazil does not have any specific regulation for the management of digital dead body too. The General Data Protection Law of Brazil (LGPD) was passed in 2018 and has taken effect in August of 2020. However, it only covers information on an identifiable human being. Given the absence of digital asset-specific succession regulations, conventional succession laws are used.[35]

In Ethiopia, data and information that might identify an individual are considered personal information under the Mass Media Proclamation 2021, even though Ethiopia does not have a privacy protection statute for deceased people. In accordance with Article 2(8) of this proclamation, a person's decedent's information is no longer deemed private once they have been dead for at least 20 years.[36] However, Nigeria's data protection law, Nigeria Data Protection Regulation 2019 also makes no mention of the rights of the departed to privacy after death. A data subject is any natural person who may be recognised, directly or indirectly, in connection with their personal characteristics, activities, associations, or locations.[37]

On the other hand, the United States stands out as one of just a handful of nations to have passed a legislation specifically addressing the administration and succession of digital legacies beyond death. As of April 2021, 48 states of the USA have accepted the Revised Uniform Fiduciary Access to Digital Assets Act (RUFADAA) which was created by the Uniform Law Commission (ULC) in 2015. If the deceased or disabled

[32] Global Legal Group, *International Comparative Legal Guides*, INTERNATIONAL COMPARATIVE LEGAL GUIDES INTERNATIONAL BUSINESS REPORTS (2021), https://iclg.com/practice-areas/data-protection-laws-and-regulations/japan.
[33] Personal Data Protection Act 2020 (THA)
[34] Personal Data Protection Bill 2019 (IND)
[35] General Personal Data Protection Law 2018 (BR)
[36] Mass Media Proclamation 2021 (ET)
[37] Data Protection Regulation 2019 (NG)

person expressly consented to the disclosure of the content of the digital assets, then the fiduciary can access such assets under the RUFADAA. The RUFADAA permits this capacity to be delegated through the use of an online tool or by an express grant of authority in the user's estate planning paperwork or power of attorney. In the absence of explicit guidance from the user via an online tool or other related documentation, the fiduciary's rights are determined by the provider's terms of service agreement.[38]

Similarly in France, Article 63 of the Digital Republic Act 2016 guarantees individuals the ability to make posthumous data access, deletion, and disclosure requests. The rights may be utilised even in the absence of instructions from the creator or account holder, in the form of the next of kin, who are legally allowed to shut all accounts held by the deceased. Digital service providers' standard terms of service that attempt to place restrictions on these expanded rights are null and invalid.[39] In Spain, although the deceased's personal information is specifically excluded from the scope of the Spanish Data Protection and Digital Rights Act 2018, but it does acknowledge that people have a right to digital will. Furthermore, it recognises that the deceased's heirs have the right to access, remove, and modify digital data, unless doing so would be against the deceased's wishes or against the law.[40] In 2018, the Federal Supreme Court of Justice of Germany reversed a lower court judgement and allowed the parents of a dead teenager access to her Facebook account, mentioning the principle of universal succession, although German law has not ascertained a rule on the administration and protective measures of personal data after death.[41]

Among the European countries, one of the most advanced regulatory mechanisms for dealing with digital legacies is found in Estonia, a pioneering digital transformation country. According to Article 9 of the Personal Data Protection Act (repealed in 2018), the consent of a data subject shall remain valid during the lifetime of the data subject

[38] Revised Uniform Fiduciary Access to Digital Assets Act 2015 (USA)
[39] Digital Republic Act 2016 (FR)
[40] Digital Rights Act 2018 (ESP)
[41] Library of Congress, *Germany: Federal Court of Justice Clarifies Scope of Postmortem Access to Social Media Accounts*, LIBRARY OF CONGRESS, WASHINGTON, D.C. 20540 USA (2020), https://www.loc.gov/item/global-legal-monitor/2020-09-30/germany-federal-court-of-justice-clarifies-scope-of-postmortem-access-to-social-media-accounts/ (last visited Sep 3, 2022).

and for 10 years after the data subject's death unless the data subject decided otherwise in regards to the processing of personal data of the deceased. If the data subject was a minor when they passed away, their consent will remain in effect until the twentieth anniversary of their passing. Furthermore, until it has been at least 10 years since the death of a data subject, or 20 years since the death of a data subject who was a juvenile, processing of such data is authorised only with the permission of the successor.[42]

In Georgia, the rules for protecting a deceased person's personal information are laid out in detail in Article 7 of the Personal Data Protection Law 2011. Only with the permission of a close relative, or after 30 years have elapsed after the person's death, is it acceptable to process their data. If processing the deceased person's information is essential to enforcing an heir's legal claim to an inheritance, then the law permits it. However, if a data subject has previously expressed written opposition to posthumous processing, such processing would be illegal.[43] In Israel, the Privacy Protection Law (PPL) has made it illegal for online media or services to collect, store, or utilise an individual's personal data without first obtaining the data owner's permission. Publication of an identifying image of a deceased person without that person's consent, the consent of that person's immediate relatives, or after less than fifteen years have passed since the person's death is prohibited under this law.[44]

Singapore has progressed much recently to cover this aspect in its legal framework. To protect the privacy of individuals' sensitive personal information, the government passed the Personal Data Protection Act in 2013 and updated it in 2019, which is applicable to both living and deceased people. But it ceases to apply to a deceased person 10 years after their death.[45] In Argentina, any and all information pertaining to identifiable individuals is shielded by the Personal Data Protection Act, which was passed in 2000, and is applicable to both living and deceased people. Information sought from a public or private database must be delivered within 10 calendar days after the request is made on behalf of the deceased by the deceased's heir.[46]

[42] Personal Data Protection Act 2018 (EE)
[43] Personal Data Protection Law 2011 (GA)
[44] Privacy Protection Law 1981 (ISR)
[45] Personal Data Protection Act 2019 (SG)
[46] Personal Data Protection Act 2000 (AR)

VI. PROTECTION OF DEAD PEOPLE'S DIGNITY AS A HUMAN RIGHT UNDER MODERN INTERNATIONAL LAW

Religions, customs, and cultural practices have always had an impact on how the deceased are dealt with, whether in times of peace or war. Religions, customs, and more formal legal systems all play a role in how different cultures honour the deceased. Dignity in death lies at the heart of all acts of remembrance and respect for the departed. Strong condemnation of disrespectful burial practices is a reflection of the significance societies place on the dead and the values that inform their approach to humanitarianism. The importance of the right to dignity has also been emphasised by several international Conventions. For example, one of the goals of the United Nations Charter is to reaffirm trust in fundamental human rights, in the dignity and worth of the human person, and this right is explicitly included as part of the Preamble of this Charter.[47]

The inherent dignity of every person is also recognised in the preamble of the International Covenant on Civil and Political Rights (ICCPR), which also impliedly recognises the right to have dignity after death.[48] The deceased must be buried with dignity, preferably according to the ceremonies of their faith, and their graves must be honoured, properly kept, and marked so that they may always be identified, as stated in Article 130 of the Fourth Geneva Convention.[49] The United Nations Commission on Human Rights issued a resolution in 2005 emphasising the importance of respecting the wishes of families and ensuring the correct management and disposal of human remains.[50] The legal obligation of managing digital dead bodies can be understood more clearly in light of the dead body management principles in international humanitarian law.

According to the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I),

[47] United Nations. (1945). Charter of the United Nations and Statute of the International Court of Justice.
[48] International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR) Preamble
[49] Geneva Convention Relative to the Protection of Civilian Persons in Time of War (adopted 12 August 1949, entered into force 2 November 1950) 75 UNTS 135 (Geneva Convention) art 130
[50] UNHCR Res 1617 (XXIX) (14 December 2005)

a dead body of a person must be shown respect by performing some responsibilities namely preserving the integrity of the dead human body, identification and information sharing about identity, and respectful disposal.[51] International humanitarian law also ensures that a dead body should be returned to its family. The humane treatment, dignified burial and respectful attitude toward the dead bodies have been a significant part of IHL which proves that the dignity of a person after his death is an essential performance even in the unstable situation amidst the war.[52]

All these legal principles concerning the dignified management of dead bodies demonstrate the necessity of managing people's digital remnants after their death which have been referred to as digital dead bodies in this research. People's digital dead bodies remain among people by their presence on online platforms after their death and they are entitled to the minimum respect that an actual dead body deserves as argued by contemporary scholars. The same level of care and respect should be given to a person's digital remains as is given to their actual body, and they should not be used for profit in any form.[53]

Exploiting the digital dead body of a person is disrespecting his remaining and violating his human rights under the scope of the abovementioned international law principles. Now, the debate may remain on whether the digital remnants of a person should be treated with the same respect or not. Anthropologists and ethicists have been arguing for a long time that the inorganic body of a person must be considered and treated as his informational body with the same significance and respectful attitude. Without an effective intervention of the human rights framework on the dignity of the digital dead body and its fruitful development with the recognition and implementation by relevant stakeholders, there is a massive chance and potential threats of exploitation of people's digital data after their death.

[51] International Committee of the Red Cross (ICRC), *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)*, 8 June 1977, 1125 UNTS 3, available at: https://www.refworld.org/docid/3ae6b36b4.html [accessed 13 March 2021]
[52] Kristin Bergtora Sandvik, *Digital Dead Body Management (DDBM): Time To Think It Through'*, JOURNAL OF HUMAN RIGHTS PRACTICE (2020).
[53] Vera B Nikishina and others, 'The Phenomenon of "Digital" Death: Formation and Genesis of the Attitude to Death in Social Networks of Students' (2020) 15 Cypriot Journal of Educational Sciences 1262.

VII. DIGNIFIED MANAGEMENT OF DIGITAL DEAD BODY IN LIGHT OF MODERN SUCCESSION LAW

The concept of dignified management of digital dead bodies and honouring a person's final privacy requests are consistent with the principles of modern succession law, which aim to preserve human dignity too. For instance, the deceased's desires on the disposition of his or her body are given maximum respect under contemporary succession law. Nonetheless, things were not always such. Because in ancient times, neither the deceased nor his family owned the body, no will or other testamentary document could be used to determine what should happen to the deceased's body after death. The church alone had authority and control over burials.[54] However, in the seventeenth and eighteenth centuries, testators began asserting their autonomy over their own burials. The right to choose one's own burial place is a tradition with roots in Roman law.

Ultimately, most courts agreed that a testator may use a will to specify how his remains should be handled after his death. Even if a deceased person's family objects to the disposition of their loved one's remains, the court will uphold the deceased person's wishes. In the cases where the deceased wants to be cremated but his next of kin objects, the court generally rules that the decedent's testamentary intentions are paramount to all other factors and orders them to proceed by the last wish of the deceased person. The law also upholds a person's testamentary wishes regarding their reproductive materials. The parents of a deceased man wanted to utilise his frozen sperm to conceive a surrogate woman in *Speranza v. Repro Lab Inc.* case. However, the deceased had already informed the sperm bank that, upon his passing, he wanted his sperm destroyed.

Following the decedent's testamentary wishes, the court ruled that his parents could not inherit his sperm. Interestingly, the common law principle that a dead person has no property interest has been overturned by modern courts, thus the deceased can still

[54] Jamie Hopkins, Ilya A Lipin and John Whitham, 'The Importance of Digital Asset Succession Planning for Small Businesses' (*papers.ssrn.com*1 September 2014) <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2532557> accessed 3 September 2022.

exercise control over her own body. The notion that a person's property interest in something gives that person the right to direct the distribution of that object after death provides the rationale for this kind of freedom of disposition. This rationale can be the foundation for safeguarding a decedent's right to dispose of her dead body according to her own intent.[55] This concept seems to be implying that a person's privacy interests in digital properties after death are analogous to their right to dispose of their own dead body, which is not precisely property but yet invokes the protections of property.

Courts can enforce a testator's desires about his digital footprints on online platforms because of the quasi-property interest in these properties. When a court upholds a decedent's desires about his body after death, it is not protecting a property interest but rather the decedent's right to be treated with respect. An individual's right to decide what happens to his own body after death is analogous to the right to privacy in other areas of life including the management of digital dead bodies.[56] Due to the digitalisation of the economy, new forms of succession, preservation and circulation of properties have emerged, and these are known as inheritance digital properties. Digital tokens (NFTs) and cryptocurrencies, Big Data, domain names and social media accounts, virtual game property, and digital content i.e., digital material saved on web platforms such as text files, video and audio files, visual images, animations, and so forth are all examples of digital properties.

It is reasonable to define this idea as broadly as feasible to preserve the right to digital properties by restricting access to them and ensuring greater security.[57] Legal regulation of tokens and cryptocurrencies, on the other hand, necessitates unique measures that take into account the challenges of financial transactions. Science and law enforcement alike have come to the realisation that there is no clear legal definition of the criterion for referring digital things to the objects of legal relations. The succession of digital properties is a term borrowed from contemporary

[55] *Speranza v Repro Lab Inc* (2009) 400532/06 (New York Supreme Court).
[56] Julia S Kharitonova, 'Digital Assets and Digital Inheritance' [2021] Law & Digital Technologies 19.
[57] Natalie Banta, 'Inherit the Cloud: The Role of Private Contracts in Distributing or Deleting Digital Assets at Death' (2014) 83 Fordham Law Review 799 <https://ir.lawnet.fordham.edu/flr/vol83/iss2/16/> accessed 3 September 2022.

researchers that refer to the universal succession of digital properties such as tokens and cryptocurrencies, emails and messages in messengers, emails in email services, electronic bank cards, Instagram and cloud-based photo albums, and music playlists on services and applications. The concept of the succession of digital properties emphasises that persons acting in their own interest, to protect the interests of the deceased, or for other reasons worthy of protection may use their rights with respect to the deceased's personal data.[58]

However, intellectual property law, personal data protection, and privacy requirements all need to be thought about when dealing with digital assets. Most significantly, digital properties should be characterised differently depending on their intended use as subjects of subjective rights. Although maintaining the privacy of digital remnants is not the same as honouring a person's final desires on burial, the premise that succession law protects interests beyond property rights (disposition of a body) after a person's death can be extended to the proposition that a person's wishes regarding the privacy of digital remnants should be given higher weight.

VIII. THEORETICAL UNDERSTANDING OF THE ECONOMIC EXPLOITATION OF THE DIGITAL DEAD BODY

The activity of the work of man is often called living labour in Marx's economic theory. The product of labour is then called dead labour or congealed labour, according to his antithesis. If collected and commodified, this (dead) labour is turned into capital or resource. In turn, capital may be either set or circulated in case of the machinery or industrial production. If someone owns capital, invests in some means of production or invests in some sort of resources, then these are required to generate more value.[59] In simple words, the role of capital (fatal work) can be defined as follows: Resources are worthless if a capitalist is looking for profit unless a labour force creates new products.

[58] Smith Gambrell Russell, 'Estate and Succession Planning in the Digital Age' (*SGR Law*24 February 2020) <https://www.sgrlaw.com/ttl-articles/2015-2/> accessed 3 September 2022.
[59] Harvey Ross, *Preserving Digital Materials* (KG Saur 2005).

However, the produced materials do not have much use for the capitalist if not sold or employed by another human labour. More labour-power is then necessary to remain productive for both items. Thus, someone who has invested in a great deal of resources would keep the investment worthwhile by ensuring that people are working properly. Otherwise, he will face bankruptcy.

In other words, to remain productive, dead labour demands human labour. Hence, capital is sometimes likened to as an undead creature, or as put by Marx: "Capital is dead labour which, vampire-like, lives only by sucking living labour, and lives the more, the more labour it sucks".[60] The metaphor of the 'undead' is very literal in the concept of digital death. Used in the process of value formation, deceased internet users become a type of undead agency, which requires living labour to continue living, in other words for remaining active.[61]

Therefore, the use of digital dead bodies for commercial purposes remains a point of interest for the technology industry to either increase profit or to communicate with existing customers. Even free services like Facebook promote their dead users to the existing users who pay special attention to their economic benefit. Thus commercial use of digital remnants by business organisations not only makes the recollection of the dead person an issue of human emotion, but it is also an issue of economic profits.[62] The remnants of the deceased i.e. the digital dead bodies are portrayed as how the relatives and friends are reminding them by making their digital footprints profitable and consumable without their consent.[63]

[60] KARL MARX, DAS KAPITAL (1867).
[61] Carl Ohman and Luciano Floridi, 'The Political Economy Of Death In The Age Of Information: A Critical Approach To The Digital Afterlife Industry' (2017) 27 Minds and Machines.
[62] Nicola Wright, "Death and the Internet: The Implications of the Digital Afterlife" (2014) 19 First Monday.
[63] Daniel J Solove, *The Digital Person : Technology and Privacy in the Information Age* (New York University Press 2004).

IX. CONTROVERSIAL EMERGENCE OF DIGITAL AFTERLIFE INDUSTRY AS A WAY TOWARDS ECONOMIC EXPLOITATION

A new sector of the economy, known as the digital afterlife industry, is springing up to provide services related to the care of digital afterlife assets and the extension of human life after death. The economic benefits of remembering the deceased, if the digital afterlife becomes more marketed, may outweigh the initial emotive significance. So, it requires an ethical framework. Digital afterlife industry services are more concerned with presenting consumable digital properties of the departed rather than one that is completely authentic. For all its accessibility, a person's social media profile can only ever provide people with a little glimpse into their lives and personality.[64]

The digital afterlife industry has exploded in recent years, with services ranging from live-streaming funerals to online memorial pages, meta-verse avatars and even chat-bots that use people's social media footprints' to act as online ghosts. However, the lines between what is considered acceptable afterlife activity and grief exploitation have blurred in recent years due to the unimaginable development of technology. There are now four sectors that economically exploit a deceased person's digital footprint to produce new messages that reflect their online behaviour after death, namely information management services, posthumous messaging services, online memorial services, and recreation services.[65] As a result, it poses the greatest danger to a person's right to secrecy in the hereafter by preying on the grief of their loved ones.

Currently, companies in the digital afterlife industry do not even require to follow certain regulations, such as preventing hate speech and the commercial exploitation of memorialised profiles, regardless of whether they are the sole legal owner of the

[64] Carl Ohman and Luciano Floridi, 'An Ethical Framework for the Digital Afterlife Industry' (*papers.ssrn.com*1 March 2018) <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3172038> accessed 29 December 2021.
[65] IANS, 'Digital Afterlife Industry Must Be Regulated: Experts' *Business Standard India* (18 April 2018) <https://www.business-standard.com/article/news-ians/digital-afterlife-industry-must-be-regulated-experts-118041800576_1.html> accessed 3 September 2022.

deceased's data or whether the opinion of their next of kin. However, even alive individuals do not yet have complete authority over all of their digital possessions. Users in their waking state sign use agreements with internet platforms, giving some control over the content they create on those platforms to the companies that administer those platforms. Not surprisingly, each service has its own set of rules about what happens to a user's account after they die, which can lead to controversial disputes and legal action between surviving loved ones. There is an enormous quantity of private data that people keep online. Secrets and personal facts are being stored in unprecedented amounts in email accounts, social networking posts, blogs, shared images, and private communications.[66]

During a person's lifetime, it would appear that they had complete authority over their accounts. Even though there are risks associated with sharing personal information online, many people yet utilise various internet services. When a user passes away, they may have challenges with managing their digital assets; this is where information management services come in. Commonly, such businesses lack advanced technology capabilities. Most people merely make a digital will to make sure that their assets are distributed or deleted when they die. According to research published by cyber security firm McAfee, the typical Internet user values their digital possessions at $37,000.[67]

Although many information management start-ups have failed since Google introduced its inactive account manager tool, the sector is showing signs of growth as a result of recent funding from tech giants. A more customised service is provided through afterlife message delivery. The average company will contact the customer via email. Unanswered calls or messages can cause a cascade of automated emails, texts, and other digital information to be delivered to a group of people. While several services allow users to send out a few messages at no cost, nearly all of them eventually push customers to pay $10–$50 annually for a premium service. The

[66] Maggi Savin-Baden and Victoria Mason-Robbie, *Digital Afterlife : Death Matters in a Digital Age* (CRC Press/Taylor & Francis Group 2020).
[67] Eduard Kovacs, 'McAfee Global Report: Internauts Have More than $37,000 (€27,000) in Unprotected Valuables' (*softpedia*28 September 2011) <https://news.softpedia.com/news/McAfee-Global-Report-Internauts-Have-More-Than-37-000-in-Unprotected-Valuables-224105.shtml> accessed 3 September 2022.

grieving friends and family are given more of a focal point in online memorial services.[68]

They offer a virtual memorial service where friends and family of the dead can pay their respects. Sites often contain logs and other types of communication channels where they may mourn together and contribute information such as photographs and videos that serve as a kind of digital burial monument. For example, this function is becoming important to Facebook's economic strategy, and it now hosts the vast majority of online memorials. Most services, like Facebook, promote themselves as free, but many corporations around the world also offer a paid premium version, with the notable exception of Facebook. Facebook is currently constructing their Meta-verse to accelerate its operation in this sector by revitalising avatars of dead people.[69]

Many companies are also using a chatbot like a programme that creates new messages based on historical data, re-creation services leverage personal data to recreate new content that replicates a deceased person's social behaviour. For example, Eter9 is one of the fastest-growing instances, although overall user numbers are rising. Another company named Replica claims to have approximately half a million users, while MIT start-up Eterni.me has around the same number of beta subscribers for similar types of services. The patent filed by Meta (formerly Facebook) on January 4, 2022, for an 'avatar personalization engine' to transform a single image of a deceased person into a 3D avatar raises questions about obtaining explicit consent.

The use of an individual's likeness posthumously should ideally require prior consent from the deceased or their designated representative. Meta's endeavors to enhance the Metaverse experience by using avatars based on personal data may compromise the privacy of the deceased. The collection, storage, and utilization of personal information without adequate safeguards could infringe upon privacy rights, especially if not explicitly authorized. Google provides users with the option to set up

[68] Marianne Bray, 'The Pandemic and a Boom in Digital Services Have Revolutionized How We Die' (*Rest of World*14 February 2021) <https://restofworld.org/2021/revolutionizing-the-end-of-life/> accessed 8 November 2021.

[69] Maxwell Strachan, 'Metaverse Company to Offer Immortality through "Live Forever" Mode' (*www.vice.com*2022) <https://www.vice.com/en/article/pkp47y/metaverse-company-to-offer-immortality-through-live-forever-mode>.

an inactive account manager, designating individuals who can access certain data in the event of the user's inactivity. However, issues may arise concerning the scope of access and the type of information accessible, potentially infringing on the deceased's privacy and dignity.

Google's policies regarding the use of data after a user's death might not align with evolving societal norms. Striking a balance between preserving user data and respecting the deceased's wishes or the concerns of their family becomes crucial. Replica is known for creating AI-driven chatbots that simulate conversation styles of deceased individuals. The ethical dilemma revolves around the authenticity and appropriateness of using AI to replicate the communication style of the dead. Consent, even if provided before death, may not cover the extent of use or the evolving nature of AI capabilities. The use of AI to create replicas for companionship or conversation raises questions about the emotional impact on the deceased's loved ones. This impact should be considered, and appropriate guidelines on the use of such technology need to be established. Eterni.me's concept of creating digital avatars of the deceased using personal data poses challenges related to consent and the accuracy of representation.

The extent to which a digital avatar can truly capture the essence of an individual without distorting their memory or legacy is a complex ethical consideration. Safeguarding the vast amounts of personal data required to create accurate digital avatars is critical. Issues of data breaches or unauthorized access could result in severe privacy violations for both the deceased and their surviving family members There are a wide variety of approaches to monetisation across the aforementioned businesses. Some businesses operate on a pay-per-service basis, making their money through advertisements.[70]

Each of these corporations has its own method for digital dead body monetization, but they are united in their desire to turn a profit off of people's deaths on the internet. Successful chat-bot services, for instance, do not just portray any old version of the departed; they portray the one that sells the best and makes the most money.

[70] Dan Robitzski, 'The Digital Afterlife Is Open for Business. But It Needs Rules.' (*Futurism*2018) <https://futurism.com/companies-digital-afterlife-ethical-guidelines>.

Therefore, the digital remnants of a deceased person become a useful resource and fixed capital in the economic progress of digital afterlife companies. Since capital requires human labour to stay productive, the implications of commercialising digital remains may be far-reaching. In other words, the demand for the utilisation of digital dead bodies calls for a rise in online communication between the dead and the living. These choices and others like them undoubtedly give rise to serious moral dilemmas.

X. PROGRESSIVE ISSUES TO DEAL WITH THE MISMANAGEMENT OF DIGITAL DEAD BODY

The concerns around how best to preserve the identities and privacy of the deceased have expanded in scope with the advent of the digital age. The subject of whether or not the deceased have a right to privacy, and how this may be handled, is an important and pressing one. The cloud and other digital resources are increasingly integral to how people conduct their lives. However, public faith in these platforms has been eroded due to instances of data exploitation by the platforms themselves. This raises concerns about the privacy and security of our digital afterlives, as corporations gain more power to regulate access to people's records after they die.[71] Concerns over whether or not living people have a responsibility to the dead or whether or not they can inflict damage on the deceased have been at the centre of philosophical debate for a very long time.

While it appears that compelling philosophical arguments have been produced in this area, they fall short when applied to the actual interactions with the dead people by utilising the digital remnants they have left. Access, succession, exploitation and archiving are distinct ideas concerning digital remnants of deceased people, and it is important to keep them apart while considering the legacy of the deceased and its effect on the living. Until the stakeholders involved in the current exploitation of data reach a higher degree of decentralisation, provide more efficient data portability, or

[71] Natasha Chu, 'Protecting Privacy after Death' (2015) <https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1240&context=njtip> accessed 3 September 2022.

clarify ownership over data, the data of the dead are very difficult to be viewed as independent of the data of the living.[72]

Questions of legality, ethics, and sociology, as well as the appropriate amount of interaction between the actual body and such digital re-uses, arise when considering current trends of creating animations, deep fakes, chatbots, and avatars by revitalising the data of deceased people. So, it is required for the policymakers to have a more thorough theoretical and legal knowledge of the ideas of digital remains and digital legacy. For instance, having a deeper understanding of highly personal information and how it should be handled, and realising that not all digital content can be considered an asset or property. From a practical standpoint, it would be good if the legislation made it easier for personal representatives to access or maybe delete/transport data from platforms following the death of a user.[73]

Also, users should have a variety of technological tools at their disposal for arranging the final disposition and safekeeping of their digital remnants before their death. Corporate giants who currently exploit dead people's data should introduce more choices to help people prepare for their digital afterlife in advance of death. At the moment, there are just two options—either deletion or preservation. Death produces a drastic collapse of context, making it impossible for people to carry out their wishes for the distribution, deletion, or preservation of their digital properties, even if those were intended for non-traditional successors like friends. The use of technical mechanisms, such as intelligent agents, to understand the intentions of the departed is one option for facilitating a more discerning mode of passing on knowledge and assets.

There appears to be a widespread reluctance to broach the topic of, much less develop concrete arrangements for, one's own digital legacy management. The privacy paradox, which refers to the discrepancy between users' professed desire for privacy

[72] Gianclaudio Malgieri, 'R.I.P.: Rest in Privacy or Rest in (Quasi-)Property? Personal Data Protection of Deceased Data Subjects between Theoretical Scenarios and National Solutions' (*papers.ssrn.com*30 March 2018) <https://papers.ssrn.com/sol3/Delivery.cfm/SSRN_ID3185249_code2392402.pdf?abstractid=3185249> accessed 3 September 2022.

[73] Kate Ashley, 'Data of the Dead: A Proposal for Protecting Posthumous Data Data of the Dead: A Proposal for Protecting Posthumous Data Privacy Privacy' (2020) 62 William & Mary Law Review <https://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=3880&context=wmlr> accessed 3 September 2022.

and their actual behaviour, even applies to the afterlife.[74] Users often fail to establish proper plans to ensure that their data may be shared after their deaths, even though this is something they might want to do. User experience has also shown that inheriting digital properties, like access to iCloud storage, is still a difficult and expensive procedure on many digital platforms.

To enable individuals to participate in and prepare for the management of their data after death, it is vital to reduce the stigma associated with discussing death online and to make this discourse both relevant and egalitarian. When life events like marriage, having children, or approaching death serve as catalysts for such talks, the expertise of the family lawyer frequently makes all the difference in whether or not they really take place. Institutions like libraries may provide safe learning places to deal with these topics, in addition to establishing guidance and awareness for the legal profession, which will necessitate more easily available guidelines and toolkits.[75] The topic of whether or not platforms should encourage users to initiate such dialogue also arises. Education and knowledge of such issues is a crucial next step, given the possibility that there could be more individuals who have passed away than are still alive on social media within the next half-century.

When it comes to dealing with data following a person's death, there is a lack of clear direction. Because of the drastic collapse of context that occurs at death, starting dialogues now might assist settle difficulties after death. In this context, Terms & Conditions, especially on social media, might function as future-oriented reminders of past requests/access. From a social and public-interest standpoint, raising awareness is crucial, for instance, to stop hackers from using a deceased person's data and accounts. From another perspective, the concept of preservation of digital archives as a global public benefit continues to attract the attention of the people who

[74] Nathan-Ross Adams, 'Post-Mortem Privacy: Is It Time to Prolong Privacy after Death?' (*Michalsons*12 November 2021) <https://www.michalsons.com/blog/post-mortem-privacy-is-it-time-to-prolong-privacy-after-death/47338> accessed 3 September 2022.

[75] Umberto Bacchi, 'Lack of Rules Leaves Experts Puzzled about Data Ownership after Death' *Reuters* (14 February 2019) <https://www.reuters.com/article/us-britain-dataprotection-privacy-analys-idUSKCN1Q304F> accessed 3 September 2022.

have been working on the controversy of digital death and its exploitative nature.[76] They claim that there is a tremendous public interest in these archives for future generations, thus the richness of information accumulated on platforms should not be held and effectively locked up by private corporations after people's death. In the case of digital properties, the right of publicity can be used to defend the family's privacy interests. One's right to publicity safeguards his or her ability to cash in on the popularity or notoriety associated with their name or likeness.

This type of legal protection grew out of the right to privacy and aims to stop the commercial use of people's images without their permission. The establishment of the right to publicity has been supported by the acknowledgement of the mental pain and misery caused by the non-consensual distribution of an individual's picture or appearance without an agreement, which is the same damage recognised under the legal framework of the right to privacy around the world.[77] By considering these progressive issues, understanding the rapid development of the digital afterlife industry, conceptualising the human rights violation and economic exploitation, and accommodating them in light of modern international law and the principles of modern succession law, the author concludes his research by arguing that dignified management of digital dead body has to be ensured for everyone and a strong legal framework has to be established globally to address these issues.

XI. CONCLUSION

Two things have been clear and undeniable that people cannot use the internet without providing their personal information and digital content to the technological industry, and people will continue to die unless there is a miraculous solution from medical researchers that will prevent the death. So, there is no scope to stop the creation of digital dead bodies. Consequently, the economic exploitation, commercial usage and disrespect towards the digital remnants of the deceased will continue to

[76] Mohammad Minhazur Rahman, 'Dignity of Digital Dead Bodies – Bangladesh Forum for Legal and Humanitarian Affairs' (*Bangladesh Forum for Legal & Humanitarian Affairs (BFLHA)*2020) <http://bflha.org/2021/09/02/dignity-of-digital-dead-bodies/> accessed 3 September 2022.

[77] Preston de Guise, 'Death in the Digital Age | Data Protection Hub' (*Data Protection Hub*10 April 2022) <https://nsrd.info/blog/2022/04/10/death-in-the-digital-age/> accessed 3 September 2022.

happen, and maybe it will become more complicated with time. But there are certainly some ways to stop the commercialisation of dead bodies and prevent the industry to exploit the dignity of people by making them profitable and consumable after death. Digital dead bodies are another version of people that remains alive after death. Nobody wants to become a commercial product after his death. So, it can certainly be concluded that the challenge of properly managing the digital dead body is becoming more necessary and relevant in the context of the rapid development of the internet and technology industry.